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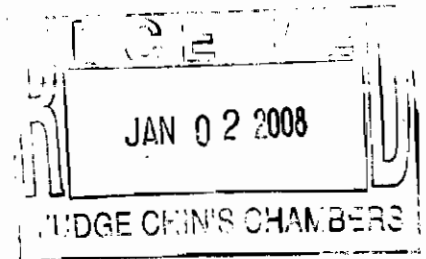
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December 27, 2007

BY HAND

Honorable Denny Chin
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Matthew Martin v. City of New York, et al.
07 Civ. 7384 (DC)



Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, newly-assigned to the defense of the above-referenced matter.¹ According to the Court's docket sheet, Detective Jerry Breen was served with process in this case on November 14, 2007.² Without appearing or making any representations on behalf of Det. Breen as to the adequacy of service or otherwise, this office respectfully requests that his time to respond to the complaint in this action be extended for sixty days from December 4, 2007, to February 4, 2008. Plaintiff, who is proceeding *pro se*, has not provided us with a telephone number where he can be reached and I have been unable to confer with him regarding this request; therefore, this request is made directly to the Court. I apologize for the delay in responding to the complaint in this matter which was only recently brought to our attention when a copy of defendant North General Hospital's motion to dismiss was mailed

¹ This case has been assigned to Assistant Corporation Counsel Benjamin Stockman, who is not yet admitted to this Court and is handling this matter under supervision. Mr. Stockman may be reached directly at (212) 788-1177.

² Upon information and belief, defendants City of New York, the New York City Police Department and the New York City Health and Hospital Corporation have not been served with process in this matter. A review of the docket sheet does not reflect service on these defendants.

APPLICATION GRANTED.
SO ORDERED

Denny Chin, U.S.D.J.

1/29/08

to the New York City Health and Hospital Corporation, and subsequently forwarded to our office.

Plaintiff alleges that on January 16, 2007, he was subjected to excessive force during an incident in which 15-20 police officers and FBI agents allegedly busted down his door and threw him onto the ground. Plaintiff claims that he suffered a broken wrist and a laceration above his eye as a result of the alleged force.

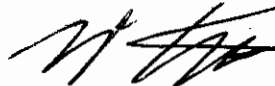
There are several reasons for seeking an enlargement of time in this matter. First, assuming plaintiff effected proper service on defendant Breen, the extension should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent him. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

Second, should representation be extended to Det. Breen, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. In this case, plaintiff alleges that he was subjected to excessive force. Accordingly, it is necessary for our office to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. This office is in the process of forwarding to plaintiff for execution a medical release, which is necessary for our office to obtain the medical records pertaining to plaintiff's alleged injuries and treatment.

No previous request for an extension has been made in this action. Accordingly, we respectfully request that defendant Detective Jerry Breen be granted an enlargement of time to February 4, 2008, in which to respond to the complaint.

I thank the Court for its time and consideration of this request.

Respectfully submitted,



Michael Chestnov
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Mr. Matthew Martin, *pro se* (by First Class Mail)
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Barry Taub, Esq., attorney for defendant North General Hospital (by fax)